

ENTERED

January 30, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

STATE OF TEXAS,

Plaintiff,

V.

Civil Action No. 6:21-cv-00003

The UNITED STATES OF AMERICA;
DAVID PEKOSKE, Acting Secretary of
The United States Department of Homeland
Security, in his official capacity;
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY; TROY
MILLER, Senior Official Performing the
Duties of the Commissioner of U.S. Customs
and Border Protection, in his official
capacity; U.S. CUSTOMS AND BORDER
PROTECTION; TAE JOHNSON, Acting
Director of U.S. Immigration and
Customs Enforcement, in his official
capacity; U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT; TRACY
RENAUD, Senior Official Performing the
Duties of the Director of the U.S. Citizenship
And Immigration Services, in her official
capacity; and U.S. CITIZENSHIP
AND IMMIGRATION SERVICES.

Defendants.

SCHEDULING ORDER

The disposition of Plaintiff's Motion for Preliminary Injunction will be controlled by the following schedule:

1. February 3, 2021 **DEFENDANTS' PRODUCTION OF ADMINISTRATIVE RECORD**

2. February 3, 2021 **PARTY RESPONSES TO PROPOSED INTERVENORS**

Responses are optional.

4. February 5, 2021

**PLAINTIFF'S MOTION FOR PRELIMINARY
INJUNCTION**

Motion and brief shall be filed as one document and shall not exceed 40 pages. 12 point Times New Roman font shall be used for the main body and 11 point Times New Roman font shall be used for footnotes. The Court discourages the prolific use of footnotes.

5. February 10, 2021

**DEFENDANTS' PRODUCTION OF THE FOLLOWING
DATA:**

- 1) the number of individuals in custody or detention for immigration violations;
- 2) the number of individuals currently subject to final orders of removal, whether in custody or not;
- 3) the number of individuals subject to a final order of removal that have been released from custody or detention into the United States from January 20, 2021 to present;
- 4) the number of individuals subject to a final order of removal who have been released into the United States from custody from January 20, 2019 to the present;
- 5) the number of individuals subject to a final order of removal who have been released into the United States from custody from January 20, 2019 to the present who have failed to return or appear for their hearing or removal;
- 6) the percentage of individuals subject to a final order of removal who have actually been removed from January 20, 2019 to the present.

6. February 10, 2021

DISCOVERY DEADLINE AND LIMITS

The following limitations were agreed to by the parties and are adopted by the Court. Responses to discovery will be due no later than seven days after the requests are served. Requests for interrogatories are limited to seven for Plaintiff and seven for all Defendants. Requests for admissions are limited to five for Plaintiff and five for all Defendants. No requests for production are permitted during this preliminary injunction phase.

Discovery requests are not timely if the deadline for response under this Order falls after this date. Parties may continue discovery beyond the deadline by agreement.

7. February 12, 2021 **DEFENDANTS' RESPONSE**

Brief shall not exceed 40 pages. If any Proposed Intervenor is granted permission to intervene, its Brief would be due on February 12, 2021 and subject to the 40-page brief limitation. 12 point Times New Roman font shall be used for the main body and 11 point Times New Roman font shall be used for footnotes. The Court discourages the prolific use of footnotes.

8. February 16, 2021 **PLAINTIFF'S REPLY**

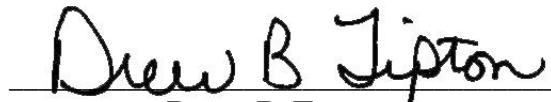
Brief shall not exceed 25 pages. Same font requirements.

9. February 19, 2021 **PRELIMINARY INJUNCTION HEARING**

Any party wishing to make a discovery or scheduling motion must obtain permission before the submission of motion papers. This includes any motion to compel, to quash, for protection, or for extension. Lead counsel must personally confer on all discovery and scheduling disputes as a final attempt at resolution prior to involving the Court. To obtain permission, the party seeking relief must submit a letter not exceeding two pages. Identify the nature of the dispute, outline the issues, and state the contested relief sought. Describe the conference between lead counsel and summarize the results. Send a copy to all counsel and unrepresented parties. The opposing party should promptly submit a responsive letter of similar length identifying any disagreement. Do not submit a reply letter. The foregoing letters should be sent by email to the Court's case manager, Kellie Papaioannou at Kellie_Papaioannou@txs.uscourts.gov.

It is SO ORDERED.

SIGNED this January 30, 2021.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE